In the Supreme Court of the United States

OCTOBER TERM, 1966

No. 620

ACRON INVESTMENTS, INC., ET AL., PETITIONERS

v.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

We respectfully invite the attention of the Court to the following facts which show that the petition was filed out of time:

On June 30, 1966, the Court of Appeals for the Ninth Circuit affirmed the district court's decision in this case, denying petitioners' motion to dismiss the action brought by respondent (Pet. App. 1, 8). No petition for rehearing was filed. The petition for a writ of certiorari was filed on October 3, 1966, which was 95 days after the decision of the Court of Appeals.

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Section 2101(c) of Title 28 provides that "any writ of certiorari intended to bring any judgment or decree in a civil action * * * before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree." Since these limits are jurisdictional, it is respectfully submitted that the petition should be denied as untimely.

THURGOOD MARSHALL,
Solicitor General

NOVEMBER 1966.

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